

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LEE FRANK WILSON,

Defendant.

Case No. CR-S-2:11-CR-00271-KJD-CWH

ORDER

Before the Court is Defendant Lee Wilson's Motion in Limine (#30). The Government has filed a response (#32).

I. Analysis

Defendant seeks to exclude evidence of the post-arrest identification of Defendant by two witnesses to the shooting. Defendant's Motion is denied as to this evidence because the two witnesses knew the Defendant before the night in question and both advised the police that he was the perpetrator before they were transported to the show-up identification. Accordingly, the likelihood for misidentification is low and the evidence will be admitted. Further, the request for an evidentiary hearing on this issue is denied because there is no dispute that the witnesses knew the suspect and identified him as the perpetrator before the police arrived.

1 Defendant seeks to exclude evidence of potential gang affiliation and the fact that defendant
2 requested an attorney. The Government has indicated that it does not intend to introduce such
3 evidence. Accordingly, Defendant's Motion is moot as to this evidence .

4 Defendant seeks to exclude evidence that Defendant provided a false name to police officers
5 upon his arrest. This evidence is probative of Defendant's consciousness of guilt and will be
6 admitted. Accordingly, Defendant's Motion is denied as to this evidence.

7 Finally, Defendant seeks to exclude evidence that the interviewing detective recognized
8 Defendant from previous arrests. The Government has stated that it will not seek to introduce
9 evidence that Defendant was arrested on prior occasions. However, the Government will be
10 permitted to introduce evidence, without going into specifics, that the detective knew who Defendant
11 was and was familiar with Defendant's alias. Accordingly, Defendant's Motion is denied as to this
12 evidence.

13 II. Conclusion

14 **IT IS HEREBY ORDERED THAT** Defendant Lee Wilson's Motion in Limine (#30) is
15 **DENIED** in part and **MOOT** in part.

16 DATED this 7th day of March 2012.

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20 Kent J. Dawson
21 United States District Judge
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